APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,137	03/16/2000	Michael E. Pietraszak	14531.57.2	1992

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WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER &
SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER
KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)
Office Action Summary	09/527,137		PIETRASZAK ET AL.
	Examiner		Art Unit
	Andrew Y Koenig		2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-78* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-78* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>5,6</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent 6,157,411 to Williams et al. in view of U.S. Patent 5,557,724 to Sampat et

al.

Regarding claims 1 and 42, Williams teaches gathering data from plural inputs

(such as from a DSS receiver, vertical blanking interval (VBI), and other remote sources

(col. 5, ll. 22-51) and storing the data in database. Further, Williams teaches a data

parser 204, which collects the data from the various sources and the data engine 206

for storing the data in the database (col. 5-6, ll. 62-9). Williams is silent on explicitly

using the data for an electronic program guide (EPG). Official Notice is taken that

gathering data from plural sources and displaying in an EPG is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Williams by gathering data from plural sources and

displaying in an EPG in order to provide a convenient user interface to the user thereby

providing access to various channels independent of source. Williams is silent on

calling and executing functions. Sampat teaches loading functions from modules and

enabling execution of the functions (col. 33, ll. 6-23). Therefore, it would have been

obvious to one of ordinary skill at the time the invention was made to modify Williams by loading and executing functions as taught by Sampat in order to provide a uniform interface for a program to access resources thereby promoting a more robust and platform independent system.

Regarding claims 43 and 78, Williams teaches gathering data from plural inputs (such as from a DSS receiver, vertical blanking interval (VBI), and other remote sources (col. 5, II. 22-51) and storing the data in database. Further, Williams teaches a query interface 208, which collects the data from the various sources and the data engine 206 for storing the data in the database (col. 6, II. 6-27). Williams is silent on explicitly using the data for an electronic program guide (EPG). Official Notice is taken that gathering data from plural sources and displaying in an EPG is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by gathering data from plural sources and displaying in an EPG in order to provide a convenient user interface to the user thereby providing access to various channels independent of source. Williams is silent on calling and executing functions. Sampat teaches loading functions from modules and enabling execution of the functions (col. 33, II. 6-23). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Williams by loading and executing functions as taught by Sampat in order to provide a uniform interface for a program to access resources thereby promoting a more robust and platform independent system.

Regarding claims 2-7, 12-41, 44-50, 54-64, and 67-74, Williams is silent on explicit function names and parameters. Official Notice is taken that functions and at least one parameter are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by using functions with at least one parameter in order to enable access to uniform access to resources thereby creating a more robust system.

Regarding claims 8-11, 51-53, 65-66, and 75-77, Williams is silent on explicit function names. Official Notice is taken that functions are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by using functions in order to enable access to uniform access to resources thereby creating a more robust system.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,550,576 to Klosterman teaches an EPG system that gathers data from plural sources.

U.S. Patent 5,990,883 to Byrne et al. teaches integrating information from different tuning spaces and storing the data in a local database (col. 5-6, II. 59-49).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ayk

HAI TRAN
PATENT EXAMINER